

**DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES**

CHAPTER 74

REFUGEE ASSISTANCE

Subchapter 1

General Administration and Assistance

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Subchapter 1

General Administration and Assistance

37. 74. 101 DEFINITIONS (1) For the purpose of this chapter, the following definitions apply:

- (a) Refugee means an individual who:
 - (i) is a national of Cambodia, Vietnam or Laos and entered the United States on or after April 8, 1975; or
 - (ii) is a national of Cuba or Haiti and is an entrant to the United States as verified by the immigration and naturalization service through INS form I-94;
 - (iii) is a national of any country granted refugee status in the United States as verified by the immigration and naturalization service through INS form I-94.
- (b) Assistance unit means all individuals who live in the same household and whose needs, income and resources are considered in determining the amount of assistance payments. Such individuals living together may consist of an individual, a couple, an intact family, or a combination of family members, such as aunt, uncle, niece and nephew. (History: Sec. 53-2-201, MCA; IMP, Sec. 53-2-201, MCA; NEW, 1982 MAR p. 1279, Eff. 7/1/82; TRANS, from SRS, 1998 MAR p. 2063.)

37. 74. 102 REFUGEE CASH ASSISTANCE (1) Refugee cash assistance (RCA) shall be provided to a refugee who:

- (a) is not eligible for other cash assistance programs such as AFDC, SSI, OAA, AB, APTD and AABD;
- (b) meets the following immigration status and identification requirements;
 - (i) has parole status as a refugee or asylee under section 212(d)(5) of the Immigration and Nationality Act;
 - (ii) has been admitted as a conditional entrant under section 203(a)(7) of the Immigration and Nationality Act;
 - (iii) has been admitted as a refugee under section 207 of the Immigration and Nationality Act;
 - (iv) has been granted asylum under section 208 of the Immigration and Nationality Act;
 - (v) has been admitted with an immigration status that entitled the individual to refugee assistance prior to enactment of the Refugee Act of 1980, as specified by the director;
 - (vi) is a dependent child of and part of the same filing unit as individuals who meet immigration status requirements; or
 - (vii) has been admitted for permanent residence provided the individual previously held one of the statuses identified above.
- (c) provides the name of the resettlement agency which resettled him;

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(d) is not a full-time student in a college or university except where such enrollment is approved as part of an individual's state-approved employability plan; or

(e) meets all income and resource criteria of the AFDC program except that the \$30 plus 1/3 disregard and the \$30 disregard to earned income is not allowed. Refer to ARM 46.10.401 through 46.10.404 and 46.10.505 through 46.10.514.

(2) RCA may be provided to eligible refugees during the eight month period beginning with the month of entry to the United States.

(a) Date of entry is the date the individual entered the United States as certified by the immigration and naturalization services on INS form I-94 or INS form I-551.

(3) An exempt RCA recipient may volunteer to participate in employment services.

(4) A recipient of RCA who is not exempt under 45 CFR 400.76 must, except for good cause shown follow all requirements as in 45 CFR 400.75 "General Requirements".

(a) Good cause may exist for refusal to participate in employability services, accept employment, or voluntarily quit a job if:

(i) The assignments were not within the scope of the individual's employability plan.

(ii) The individual does not have the capabilities to perform the task on a regular basis. If claim is based on physical or mental impairment, verification by a physician or designee must be submitted.

(iii) The total daily commuting time normally exceeded 2 hours, not including transporting of a child to and from a child care facility.

(iv) Suitable child care is not available.

(v) Working conditions are poor. Risks to health safety exist.

(vi) Assignments are discriminatory in terms of age, sex, race, creed, color or national origin.

(vii) Wages offered are less than the state minimum wage or the daily hours of work exceed those customary to the occupation.

(viii) The job offered is vacant due to a strike, lockout, or other bona fide labor dispute or is in conflict with the conditions of existing union membership.

(5) An employable RCA recipient may not, without good cause, voluntarily quit employment or fail or refuse to meet the requirements of the agency's employment services. (45 CFR 400.75(a)).

(a) Mandatory participants will be terminated from assistance for failure or refusal to participate. (45 CFR 400.82.)

(b) Voluntary participants will be deregistered for 90 days. (45 CFR 400. 82)

(c) A conciliation period to the imposition of sanctions must be provided. (45 CFR 400. 83(b)(3)(iii))

(6) Other AFDC requirements applicable to RCA recipients are stated in 45 CFR 233. 31 through 233. 37, and 235. 10. The department adopts and incorporates by reference 45 CFR 233. 31 through 233. 37, and 235. 10 (1989 edition). (History: Sec. 53-2-201, MCA; IMP, Sec. 53-2-201, MCA; NEW, 1982 MAR p. 1279, Eff. 7/1/82; AMD, 1990 MAR p. 1961, Eff. 10/16/90; AMD, 1992 MAR p. 675, Eff. 3/27/92; TRANS, from SRS, 1998 MAR p. 2063.)

37. 74. 103 REFUGEE MEDICAL ASSISTANCE (1) Medical assistance will be provided to refugees who qualify under (2) or (3) for the eight month period beginning with the month of entry to the United States.

(2) Recipients of refugee cash assistance are categorically eligible for medical assistance.

(3) Refugees not receiving refugee cash assistance are eligible for refugee medical assistance provided they:

(a) are ineligible for medicaid but meet the financial eligibility requirements of the medically needy program as set forth in ARM 37. 82. 1106, 37. 82. 1107 and 37. 82. 1110;

(b) meet immigration status and identification requirements as set forth in ARM 37. 74. 102(b)(i) through (vii) or are the dependent children of, and part of the same filing unit as, individuals who meet these requirements;

(c) have not applied for, been denied or terminated from refugee cash assistance;

(d) provide the name of the resettlement agency which resettled them; and

(e) are not full-time students in institutions of higher education, except when enrollment in such an institution is approved by the state as part of an individual employability plan.

(History: Sec. 53-2-201, MCA; IMP, Sec. 53-2-201, MCA; NEW, 1982 MAR p. 1279, Eff. 7/1/82; AMD, 1992 MAR p. 675, Eff. 3/27/92; TRANS, from SRS, 1998 MAR p. 2063.)